

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

United States of America,

v.

Russell Lucius Laffitte,

Defendant.

Case No. 9:22-cr-00658-RMG

DEFENDANT'S MOTION TO SEAL

Defendant Russell Lucius Laffitte, by and through his undersigned counsel, moves the Court to seal two juror affidavits in this case pursuant to Fed. R. Civ. P. 5.2(e)(1), Local Crim. R. 49.01 (D.S.C.), and the Standing Order Regarding Sealing Documents in Criminal Matters, ECF No. 1, No. 3:14-mc-00333-TLW (Oct. 28, 2014).

The grounds for this motion are:

1. On November 22, 2022, a federal jury returned a verdict convicting Mr. Laffitte, on six counts: (1) conspiracy to commit wire fraud and bank fraud, in violation of 18 U.S.C. § 1349 (Count 1); (2) bank fraud, in violation of 18 U.S.C. § 1344(2) (Count 2); wire fraud, in violation of 18 U.S.C. § 1343 (Count 3); and three counts of misapplication of bank funds, in violation of 18 U.S.C. § 656 (Counts 4, 5, and 6).

2. As outlined in Defendant's motion for a new trial (ECF No. 224), two of the jurors were dismissed by the Court and replaced with alternates after deliberations began. Those two jurors have prepared affidavits for the Court's review and as supplements to Defendant's motion for a new trial. The purpose of the Defendant's request to seal is to protect the personal information contained within these documents and to avoid public disclosure of the jurors' names.

3. Mr. Laffitte addresses the factors governing sealing of documents reflected in *Ashcroft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000) (citing *In re Knight Publishing Co.*, 743 F.2d 231, 235–36 (4th Cir. 1984)), as follows:

a. Public notice of this request to seal and to allow interested parties a reasonable opportunity to object will be provided by the Clerk of Court under the requirements set forth in Local Crim. R. 49.01(4) (D.S.C.).

b. There is no less drastic alternative to sealing this information for *in camera* review. The Court conducted an anonymous jury empanelment, preventing media from attending jury selection and keeping the juror questionnaires under seal. Publicly releasing the affidavits, containing the full names of two jurors on the original panel, would cause irreparable harm in exposing these two individuals to harassment and scrutiny. The affidavits also raise safety concerns in relation to other jurors on the panel, further underscoring the need to provide the information to the Court under seal.

c. Granting the request to seal is appropriate because it would permit the Court and the Government to review the affidavits in conjunction with Defendant’s motion for a new trial, without publicly disclosing the names and private information of the jurors.

4. As required by Local Crim. Rule 49.01(B)(2), this motion is accompanied by

a. **Exhibit 1:** the non-confidential descriptive index, which identifies the document proposed to be filed under seal as exhibits;

b. **Exhibit 2:** counsel’s certification of compliance with Local Crim. R. 49.01 (D.S.C.); and

c. The unredacted documents Defendant requests that the Court consider, which the Defendant will provide to the Court through its ECF email address.

Conclusion

Therefore, having complied with the requirements of Local Crim. R. 49.01(B)(2)(a) (D.S.C.) and the Standing Order Regarding Sealing Documents in Criminal Matters, ECF No. 1, No. 3:14-mc-00333-TLW (Oct. 28, 2014), Defendant respectfully requests that the Court grant its motion to seal.

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